

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA	:	
formerly CYNTHIA ANNE KAYLOR,	:	
	:	1:CV-00-1342
Plaintiff	:	
	:	(Judge McClure)
v.	:	
	:	
NORTHWESTERN MUTUAL LIFE	:	
INSURANCE COMPANY,	:	
	:	
Defendant	:	

ORDER #2

March 23, 2004

IT IS ORDERED THAT:

1. The case is placed on the July, 2004 Williamsport trial list, with jury selection scheduled for July 6, 2004 at 10:00 a.m. in Courtroom No. 1, Fourth Floor, Federal Building, 240 West Third Street. Pending criminal trials, if any, will be tried first. Except as may be otherwise specially ordered, civil jury trials will begin immediately following jury selection in the order of the docket numbers, with the earliest docket number going first and continuing to the most recent docket number. Counsel should be aware that settlements, etc., will often reduce the actual

number of cases for trial as the date approaches and must be prepared to proceed to trial on twenty (20) hours notice.

2. A final pretrial/settlement conference will be held in Chambers on June 3, 2004 at 11:00 a.m.

At least one attorney for each party shall attend the conference and shall be fully familiar with the case and have full authority to effectuate a complete settlement pursuant to LR 16.2.

3. Motions in limine, together with supporting briefs, shall be due on or before May 17, 2004, with opposing briefs due on or before June 1, 2004. No reply briefs shall be permitted without leave of court .

4. Defendant shall also file on or before June 1, 2004 its brief in response to plaintiff's motion in limine and motion to exclude defendant's expert testimony (rec. doc. no. 61).

5. Counsel who expect to try the case are hereby directed to confer with all other counsel in the case at least ten (10) days prior to the date of the final pre-trial conference. LR 16.3(b). Subsequent to this meeting of counsel and at least five (5) days prior to the final pretrial conference, counsel shall file and serve a pre-trial memorandum in the form set forth in Appendix B to our Local Rules. LR 16.6.

6. At the conference of counsel, held pursuant to LR 16.3(b), all exhibits that any party intends to introduce at trial (whether in his case in chief or in rebuttal) shall be identified and numbered on the attached form. Only exhibits so listed may be offered in evidence at the trial, absent compelling reasons to the contrary. LR 16.3(b). Counsel shall at the time of commencement of presentation of the case to the jury, provide the court with two additional copies of all documentary exhibits other than photographs, extensive medical records and enlargements.

7. Trial briefs shall be submitted before presentation of the case to the jury and shall conform to LR 39.7. All requests for jury instructions shall be submitted before presentation of the case to the jury and shall conform to LR 51.1.

8. **Assessment of Jury Costs for Untimely Notice of Settlement or Dismissal.**

(a) Whenever any civil action scheduled for jury trial is settled or otherwise disposed of, jurors' costs, including mileage and per diem, shall be assessed against the plaintiff(s) unless the Clerk's office at the place in which the trial is to be held is notified of the settlement or disposition in a timely fashion.

(b) Notification of settlement or other disposition is timely when the Clerk's office is notified by plaintiff(s) in writing (by fax, if necessary) before 4:00 p.m. on the last business day preceding jury selection or trial, as applicable.

(c) When notice of settlement or other disposition prior to jury selection is untimely, the amount of prospective jurors' costs assessed under this paragraph shall be that amount applicable to 125% of the anticipated (rounded down to a whole number) jury panel, to allow for jurors excused for cause. (E.g., if a panel of 14 is to be drawn to select a jury of 8, with two parties each exercising 3 peremptory challenges, costs will be assessed for 17 prospective jurors.) In such case, mileage will not be assessed.

9. Failure of counsel to abide by this order or our LR 16.2, LR 16.3 or LR 16.6 may result in imposition of the sanctions listed in LR 83.3.

10. Please note that the court entered a Standing Order effective March 3, 2003 establishing an Electronic Case Filing System (ECF), which is now generally mandatory for all filings in both civil and criminal cases. Please also note that the Rules of Court for the United States District Court for the Middle District of Pennsylvania were amended, effective March 3, 2003. The ECF Standing Order, ECF User Manual and the Local Rules are available at the Clerk's Office or on the court's website at www.pamd.uscourts.gov.

11. Any inquiries you have concerning this case and its progress should be directed to Kathy McLaughlin, Deputy Clerk of Court, Federal Building, 240 West Third Street, Suite 218, Williamsport, Pennsylvania, telephone number

(570) 323-9772.

s/ James F. McClure, Jr.

James F. McClure, Jr.

United States District Judge

Case No. _____

Abbreviated Name of Case: _____

Name of party submitting this list: _____

[illegible]

EXHIBIT INITIAL & NO.	DESCRIPTION OF OBJECT OR ITEM	DOCUMENT DATED	IDENTIFIED IN COURT	DATE ADMITTED	WITNESS ON STAND